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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,107	06/27/2003	Tedd Dideriksen	MS1-1546US	9241
22801	7590	01/28/2008		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER FRITZ, BRADFORD F	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/609,107

Applicant(s)

DIDERIKSEN ET AL.

Examiner

Bradford F. Fritz

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 21-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 21-34 is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. In light of the specification and the applicant's arguments filed on 10/31/2007 and 8/07/2007 with respect to claims 1-15 and 21-34 the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

**However, claims 16-18 appear to be directed to non-statutory subject matter and are rejected under 35 U.S.C 101 as detailed below.**

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 16-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a data structure stored on a processor-readable storage medium, which is an article of manufacture including only the non-functional descriptive material (software per se) and non-functional descriptive material absent the hardware (i.e. when executed by a processor) required to make the functions realizable fails to establish a statutory category of invention.

### *Allowable Subject Matter*

4. The following is an examiner's statement of reasons for allowance: In interpreting the claims, in light of the specification and the applicant's arguments filed on 10/31/2007 and 8/07/2007 with respect to claims 1-15 and 21-34 the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

Tang et al. (6,298,370) teaches first and second processors having different instruction sets. The system determines which application objects will work on each processor. Parts which will work on both are allocated depending on the workload of each processor. The system emphasizes digital signal processing tasks with a tiered architecture and on one level there is a filter graph manager with the corresponding competent filters for transforming and rendering the stream to the media player and depending on the load the system can allocate and load the application including the filter graph on either processor.

However, the prior art fails to teach or suggest individually or in combination a method and system comprising: registering the new filter with the media player when the new filter is installed, such that the new filter can be recognized by the media player for loading based on registration parameters stored in a registry, and such that the new filter cannot subsequently be pirated for use on other types of media players and dynamically loading the new filter into the filter graph during the processing of the data stream through the filter graph in response to the instruction received from the user.

As set forth in independent claims 1, 5, 21, 25, and 31. Claims 1-15 and 21-34 are allowable because of other limitations and the limitations listed above.

The Examiner finds the Applicant's arguments in the Remarks filed on 8/07/2007 and 10/31/2007 to be persuasive with respect to claims 1-15 and 21-34. The Applicant argued in substance that the combination of the prior art of record fails to disclose the features of the invention including:

constructing a filter graph to process a data stream from a source file which is received by a media player; processing the data stream through the filter graph; receiving an instruction from a user to load a new filter into the filter graph, wherein the new filter is new to the media player and modifies data of the data stream registering the new filter with the media player when the new filter is installed, such that the new filter can be recognized by the media player for loading based on registration parameters stored in a registry; and such that the new filter cannot subsequently be pirated for use on other types of media players; recognizing the new filter based on registration parameters stored in the registry; dynamically loading the new filter into the filter graph during the processing of the data stream through the filter graph in response to the instruction received from the user; after dynamically loading the new filter into the filter graph, processing the data stream through the filter graph which includes the new filter; and communicating information represented by the data stream to the user via the media player.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradford F. Fritz whose telephone number is 571-272-3860. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BP

BF



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER

<b>Interview Summary</b>	Application No.	Applicant(s)	
	10/609,107	DIDERIKSEN ET AL.	
	Examiner	Art Unit	
	Bradford F. Fritz	2141	

All participants (applicant, applicant's representative, PTO personnel):

(1) Bradford F. Fritz. (3) \_\_\_\_\_

(2) Christen M. Fairborn. (4) \_\_\_\_\_

Date of Interview: 31 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 31-34.

Identification of prior art discussed: n/a.


Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: It was agreed that the Applicant would submit a statement of common ownership for patents: 5,815,689, 6,766,407, 6,983,464, 6,611,215, 6,834,390, and 7,069,590; and that if 31-34 were amended to include the Examiner's suggestions then the rejection of claims 31-34 under 35 U.S.C. 101 would be withdrawn.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required